

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JANEL SYKES  
and DERWIN SYKES,

Plaintiffs,

v.

Case No. 07-14587  
Hon. Lawrence P. Zatkoff

STATE FARM FIRE AND CASUALTY  
COMPANY,

Defendant.

\_\_\_\_\_ /

**ORDER DENYING PLAINTIFF'S MOTION TO STAY PROCEEDINGS PENDING  
APPEAL**

This matter is before the Court on Plaintiff Janel Sykes's (Plaintiff) motion to stay the proceedings pending an appeal to the Sixth Circuit Court of Appeals [dkt 36]. Defendant does not oppose this motion. Plaintiff is appealing (1) the Court's order denying a motion by Plaintiff's attorney to withdraw as counsel [dkt 28], and (2) the Court's subsequent order denying reconsideration of that order [dkt 32].

This civil case has been pending for nearly 14 months. The basis for the motion for withdrawal as counsel did not require the Court to grant the motion, and the Court concluded that allowing counsel to withdraw at this stage of the proceedings would materially and adversely affect Plaintiff. *See* Mich. Rules of Prof'l Conduct 1.16(b). As good cause for withdrawal was not demonstrated, the Court also finds that the interests of justice do not support the motion to stay proceedings, as granting the motion to stay proceedings would only unnecessarily delay this litigation.

More significantly, appellate courts generally have jurisdiction to review only final

judgments of lower courts. *See* 28 U.S.C. § 1291. An exception to this rule is that collateral orders may be appealed on an interlocutory basis, *see Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949), however, the Supreme Court has held that orders deciding motions to disqualify opposing counsel do not fall within the *Cohen* exception. *See Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 379 (1981). The Sixth Circuit construed *Firestone Tire* to mean that motions denying withdrawal of counsel may not be appealed on an interlocutory basis. *See United States v. Schledwitz*, 895 F.2d 1415, 1990 WL 9986 (6th Cir. 1990) (table opinion). Accordingly, the Court declines to grant a stay of the current proceedings pending appeal.

For the foregoing reasons, it is HEREBY ORDERED that Plaintiff's motion to stay proceedings [dkt 36] is DENIED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: December 16, 2008

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on December 16, 2008.

S/Marie E. Verlinde

Case Manager

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